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11 *derivatively on behalf of Hewlett-Packard Company*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14  
15 IN RE HEWLETT-PACKARD COMPANY  
16 SHAREHOLDER DERIVATIVE LITIGATION

17  
18 THIS DOCUMENT RELATES TO:  
19 ALL ACTIONS

**Master File No. 12-cv-6003 CRB**

**PLAINTIFF STANLEY  
MORRICAL'S RESPONSE TO  
NOMINAL DEFENDANT HEWLETT  
PACKARD COMPANY'S  
ADMINISTRATIVE MOTION TO  
SEAL**

Dept: Courtroom 6, 17<sup>th</sup> Floor  
Hon. Charles R. Breyer

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**PLAINTIFF'S RESPONSE TO HP'S MOT. TO SEAL DOCUMENTS**  
**CASE NO. 12-CV-6003 CRB**

1           Lead Plaintiff Stanley Morrical (“Morrical” or “Plaintiff”) submits this Response to  
 2           Nominal Defendant Hewlett-Packard Company’s (“HP”) motion to seal portions of the  
 3           Consolidated Shareholder Derivative Complaint (“Derivative Complaint”).

4           As HP notes, Plaintiff submitted his Derivative Complaint under seal along with his own  
 5           motion to seal. Indeed, Plaintiff was required to do so by HP, as the Complaint referred to  
 6           allegedly “confidential” documents produced by HP pursuant to shareholder records inspection  
 7           demands made under California and Delaware Corporation codes. As a condition of production,  
 8           HP required that Plaintiff execute a Confidentiality Agreement and required that Plaintiff move to  
 9           seal any documents referred to in his Derivative Complaint. As a result, many “confidential”  
 10          documents were not produced by HP until just days before the Complaint had to be filed. All  
 11          documents produced by HP were marked “confidential.”

12          Accordingly, Plaintiff acted appropriately in moving to seal the HP-produced documents.  
 13          Nonetheless, Section I of HP’s Motion – entitled “Background” – suggests otherwise. After  
 14          reciting the obligations under the Confidentiality Agreement, HP states that Plaintiff acted  
 15          “antithetical to HP’s interests” by using “confidential materials” in his Complaint. HP says the  
 16          “confidential” documents may be used by plaintiffs in the Securities Action. The criticism makes  
 17          no sense.

18          First, Plaintiff lodged his Derivative Complaint under seal and redacted all references to  
 19          documents that HP deemed to be confidential. The information is not public, and if the  
 20          documents are truly “confidential” and subject to sealing under this Court’s Local Rules, they will  
 21          not be publicly available to the Securities Action plaintiffs.

22          Second, in Section II of its Administrative Motion, HP now admits that the vast majority  
 23          of the documents it produced and designated as “confidential,” and that were redacted in the  
 24          Derivative Complaint, are not confidential and do not need to be sealed from public view. Rather,  
 25          HP only asks the Court to seal a “few, narrowly defined portions” of the Derivative Complaint  
 26          related to HP’s current strategy for Autonomy. HP’s Admin. Mot. at 3:22-4:17.

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1 Plaintiff does not object to HP's request to seal the portions of the Derivative Complaint  
2 identified in its Proposed Order. Doc. 77-3.

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4 DATED: May 14, 2013

**COTCHETT, PITRE & McCARTHY, LLP**

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6 By: /s/ Mark C. Molumphy  
MARK C. MOLUMPY

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